

effort when the questions presented in State court were clearly questions of State law, [*Pueblo of Santa Ana v. Kelly* 104 F.3d 1546 *supra*] and there were and are simple means to avoid the "Catch 22" legal purgatory created by the conflict between joinder rules and Indian sovereignty. See *E.E.O.C. v. Peabody Coal Co. supra.* \_\_\_ F.3d \_\_\_ supra.

Dated: February 17, 2006

Respectfully submitted,

Brent Horner  
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**CERTIFICATION OF GOOD FAITH PETITION  
FOR REHEARING**

I, Brenton Horner declare under penalty of perjury that this Petition for Rehearing is made in good faith and is not filed for any purposes of delay. Executed this 17<sup>th</sup> day of February 2006 at Santa Barbara, California.

Dated: February 17, 2006

Respectfully submitted,

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